

RESOLUTION: 05-_____

**REPAIR SERVICES FOR PRIVATE PAVED ROADS
AND IMPOSITION OF SERVICE CHARGES**

WHEREAS, there exists in the unincorporated areas of Leon County, Florida (the "County") a substantial number of privately-owned paved streets and roadways which are not dedicated to the public nor which otherwise have any ownership interest held by the County (the "Private Paved Roads"); and

WHEREAS, in many instances, the Private Paved Roads have fallen into varying degrees of disrepair, thereby resulting in significant problems with the ingress and egress of private and public vehicles to and from the residences on such Private Paved Roads; and

WHEREAS, such ingress/egress problems will continue to have significant effects on the emergency response time of the County's emergency medical vehicles, the Sheriff's vehicles, and fire protection vehicles, and on the level of service provided by other public vehicles such as utility services vehicles, school buses, and mail delivery vehicles; and

WHEREAS, in order to have repairs and improvements made to their Private Paved Roads and eliminate the ingress/egress problems, property owners have historically utilized the County's special assessment improvement program provided in Article II of Chapter 16 of the Code of Laws of Leon County (the 2/3 2/3 Program), which provides for the County to acquire the appropriate property interests in the rights-of-way determined to be necessary for the County to reconstruct the Private Paved Roads in a manner which brings the roads into compliance with County standards, after which the roads become County roads owned and maintained by the County; and

WHEREAS, with the significant increase in the costs of road construction and right-of-way acquisition, the 2/3 2/3 Program has become cost-prohibitive for many of the participants due to the unmanageable amount of the special assessment resulting from the increased costs of the road improvement project.; and

WHEREAS, the Board of County Commissioners (the "Board") has received suggestions from owners of Private Paved Roads expressing an interest in participating in a County road improvement program if the Board would adopt an lower-cost alternative to the 2/3 2/3 Program; and

WHEREAS, pursuant to the Board's request, County staff has proposed an alternative road improvement program, with costs significantly lower than the 2/3 2/3 Program, whereby the County would provide road repair services, through either its staff or its contractors, to willing participants owning ingress/egress easements or statutory ways of necessity on and over existing Private Paved Roads, with the total cost of such services being borne by the participants through the collection of service charges imposed on the participants in equal shares (the "Private Paved Road Repair Services Program"); and

WHEREAS, County staff has advised the Board that the provision such road repair services will alleviate the ingress/egress problems currently existing on many Private Paved Roads.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. The ingress/egress problems resulting from the existing condition of many Private Paved Roads in the unincorporated areas of the County has significant adverse impacts on the emergency response times of the County's emergency medical vehicles, the Sheriff's vehicles,

and fire protection vehicles, and on the level of service provided by other public vehicles such as utility services vehicles, school buses, and mail delivery vehicles.

2. In order to protect the health, safety, and welfare of the County's citizens, the ingress/egress problems existing on Private Paved Roads must be alleviated by any means legally and fiscally possible, even if it results in the provision of road repair services by the County in advance of the collection of service charges for the cost of such road repairs.

3. Based on the information presented to the Board regarding the existing ingress/egress problems on Private Paved Roads and the alternatives to alleviate such problems, the Board hereby finds that the Private Paved Road Repair Services Program, a written Policy for which was presented to the Board for consideration at its regular meeting on August 30, 2005, represents a paramount public purpose in alleviating the ingress and egress problems of the County's emergency medical vehicles, the Sheriff's vehicles, and fire protection vehicles, and improving the level of service provided by other public vehicles such as utility services vehicles, school buses, and mail delivery vehicles.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 30th day of August 2005.

LEON COUNTY, FLORIDA

By: _____
Cliff Thael, Chairman
Board of County Commissioners

ATTEST:

Bob Inzer, Clerk of the Circuit Court
Leon County, Florida

By: _____

APPROVED AS TO FORM:

Office Of The County Attorney
Leon County, Florida

By: _____
County Attorney